

COMMUNITY AFFAIRS

Division Of Codes And Standards

Proprietary Campground Facility Health and Safety Standards

Proposed Readoption: N.J.A.C. 5:10A

Authorized By: Susan Bass Levin, Commissioner, Department of Community

Affairs.

Authority: N.J.S.A. 45:22A-52

Proposal Number: PRN 2005-

Calendar: Reference: See Summary below for explanation of exception to calendar

requirement..

Submit written comments by April 22,2005 to:

Michael L. Ticktin, Esq.
Chief, Legislative Analysis
Department of Community Affairs
PO Box 802
Trenton, NJ 08625
Fax No. (609) 633-6729
E-mail: mticktin@dca.state.nj.us

SUSAN BASS LEVIN, Commissioner

The agency proposal follows.

Summary

Pursuant to N.J.S.A. 52:14B-5.1, the Proprietary Campground Facility Health and Safety Standards, N.J.A.C. 5:10A, are scheduled to expire on January 5, 2006. The

Department has reviewed these rules and finds that they continue to be necessary for the purpose for which they were promulgated and is therefore proposing that they be readopted.

A "proprietary campground" is defined, in N.J.S.A. 45:22A-49, as "any real property designed and used for the purpose of camping and associated recreational uses under a condominium or cooperative form of ownership. Like other properties sold to the public under a cooperative or condominium form of ownership, these facilities are subject to the "Planned Real Estate Development Full Disclosure Act." The facilities are under the jurisdiction of the Bureau of Housing Inspection for purposes of enforcement of the maintenance standards set forth in N.J.A.C. 5:10A.

This chapter contains two subchapters. Subchapter 1 includes rules pertaining to administration and enforcement, definitions and certificate of registration requirements. Subchapter 2 contains maintenance requirements, including rules on duties of the association, access, parking areas and location of units, density, area and layout of units, fireplaces, water supply, sanitary facilities, water closet and shower buildings, holding tank emptying stations, storm drainage, solid waste disposal, rodent and weed control, electrical installations, flammable liquids and gases, swimming and bathing, and other hazardous conditions. These standards were taken from the State Sanitary Code and from a model code for recreational vehicle parks and campgrounds published by the National Association of RV Parks and Campgrounds. Applicable provisions of the State Uniform Construction Code (N.J.A.C. 5:23), the Uniform Fire Code (N.J.A.C. 5:70) and the Regulations for the Maintenance of Hotels and Multiple Dwellings (N.J.A.C. 5:10) are incorporated by reference.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

These rules are intended to ensure that proprietary campground facilities are maintained in a manner that will protect the health, safety and welfare of persons using the facilities and of the general public. There are currently 12 proprietary campgrounds in New Jersey. Ten are in Cape May County and are inspected by the Cape May County Department of Health, under authorization from the Bureau of Housing Inspection pursuant to N.J.S.A. 45:22A-55. The other facilities are in Atlantic and Sussex Counties and are inspected by the Bureau directly.

Economic Impact

As required by statute, an inspection fee is charged that is sufficient to cover the cost of the program. The fee is set at \$100.00 per facility, plus \$1.00 per unit for the first 350 units and \$.50 per unit thereafter. If reinspection is required, the fee for that is \$100.00 per facility plus \$1.00 per unit requiring reinspection. A county or municipal agency performing inspections for the Bureau receives 65 percent of this revenue, with the remaining 35 percent being retained by the Bureau to cover its enforcement costs.

Facility owners may incur costs for bringing their facilities into compliance with the rules being proposed for readoption. The cost of doing so would vary on a case-by-case basis.

Federal Standards Statement

No Federal standards analysis is required because this rule is not being readopted under the authority of, or in order to implement, comply with or participate in any program established under, Federal law or a State law that incorporates or refers to Federal law, standards or requirements.

Jobs Impact

The need to comply with the rules being proposed for readoption may generate maintenance jobs at proprietary campground facilities

Agricultural Industry Impact

The Department does not anticipate any impact upon the agricultural industry as a result of the readoption of these rules./

Regulatory Flexibility Statement

Many of the proprietary campground facilities that now exist, or may exist in the future, are or will be "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. All that is required of a facility, be it a "small business" or otherwise, is compliance with basic health and safety standards, completion of a simple registration form and payment of fees necessary to cover the cost of enforcing the statute. In the event of noncompliance, facility owners may need to hire electricians, plumbers or other contractors to correct violations. Since the rules are

necessary to protect health and safety, no lesser or differing standards can be established for "small businesses."

Smart Growth Impact

These rules do not have any impact on the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:10A.